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13 Attorneys for Defendant ARISTA NETWORKS, INC.

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 CISCO SYSTEMS, INC.,
18

19 Plaintiff,

20 v.

21 ARISTA NETWORKS, INC.,

22 Defendant.
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Case No. 5:14-cv-05344-BLF (NC)

**DEFENDANT ARISTA NETWORKS,
INC.'S ADMINISTRATIVE MOTION TO
FILE DOCUMENTS UNDER SEAL IN
CONNECTION WITH ARISTA'S
OPPOSITIONS TO CISCO'S MOTIONS
IN LIMINE NOS. 1-5**

Judge: Hon. Beth Labson Freeman

Date Filed: December 5, 2014

Trial Date: November 21, 2016

Pursuant to the Northern District of California's Civil Local Rules 7-11 and 79-5(d)-(e), Defendant Arista Networks, Inc. ("Arista") respectfully submits this administrative motion to file under seal documents and information filed in connection with Arista's Oppositions to Plaintiff Cisco Systems, Inc.'s ("Cisco") Motions *in Limine* Nos. 1–5.

Arista requests an order granting its motion to seal the following documents:

Document	Portions of Document to be Sealed	Parties Claiming Confidentiality
Arista's Opposition to Cisco's Motion <i>in Limine</i> No. 1	Highlighted portions	<i>Cisco</i>
Arista's Opposition to Cisco's Motion <i>in Limine</i> No. 2	Highlighted portions	<i>Cisco</i> <i>HP, Dell, Juniper (Third Parties)</i>
Arista's Opposition to Cisco's Motion <i>in Limine</i> No. 3	Highlighted Portions	<i>Cisco, Arista</i>
Arista's Opposition to Cisco's Motion <i>in Limine</i> No. 4	Highlighted Portions	<i>Cisco</i>
Arista's Opposition to Cisco's Motion <i>in Limine</i> No. 5	Highlighted Portions	<i>Cisco</i>
Exhibit 4 to the Declaration of Ryan Wong in Support of Arista's Opposition to Cisco's Motions <i>in Limine</i> Nos. 1–5 ("Wong Decl.") (CSI-ANI-00252097)	Entire Document	<i>Cisco</i>
Exhibit 8 to the Declaration of Ryan Wong in Support of Arista's Opposition to Cisco's Motions <i>in Limine</i> Nos. 1–5 (Excerpts from the May 20, 2016 Depo. Tr. of Gavin Cato)	Entire Document	<i>Dell (Third Party)</i>

Document	Portions of Document to be Sealed	Parties Claiming Confidentiality
Exhibit 9 to the Declaration of Ryan Wong in Support of Arista's Opposition to Cisco's Motions <i>in Limine</i> Nos. 1–5 (Excerpts from the Feb. 16, 2016 Depo Tr. of Philip Kasten)	Entire Document	<i>Juniper (Third Party)</i>
Exhibit 10 to the Declaration of Ryan Wong in Support of Arista's Opposition to Cisco's Motions <i>in Limine</i> Nos. 1–5 (Excerpts from the May 2, 2016 Depo Tr. of Balaji Venkatraman)	Entire Document	<i>Cisco HP (Third Party)</i>
Exhibit 11 to the Declaration of Ryan Wong in Support of Arista's Opposition to Cisco's Motions <i>in Limine</i> Nos. 1–5 (Excerpts from the March 31, 2016 Depo Tr. of Phillip Remaker)	Entire Document	<i>Cisco</i>
Exhibit 12 to the Declaration of Ryan Wong in Support of Arista's Opposition to Cisco's Motions <i>in Limine</i> Nos. 1–5 (CSI-CLI-00754391)	Entire Document	<i>Cisco</i>
Exhibit 19 to the Wong Decl. (Excerpts from the June 7, 2016 Depo. Tr. of Frank Palumbo)	Entire Document	<i>Cisco</i>
Exhibit 22 to the Wong Decl. (Excerpts from July 26, 2016 Depo. Tr. of Judith Chevalier)	Entire Document	<i>Cisco, Arista</i>

Document	Portions of Document to be Sealed	Parties Claiming Confidentiality
Exhibit 23 to the Wong Decl. (“Exhibit Copying-2” to the Opening Expert Report of Kevin Almeroth)	Entire Document	<i>Cisco</i>
Exhibit 27 to the Wong Decl. (Transcript excerpts from Jan. 29, 2016 Depo. of Adam Sweeney)	Entire Document	<i>Cisco</i>
Exhibit 31 to the Wong Decl. (Excerpts from May 25, 2016 Depo. Tr. of Terry Eger)	Entire Document	<i>Cisco, Arista</i>
Exhibit 34 to the Wong Decl. (CSI-CLI-05646048)	Entire Document	<i>Cisco</i>
Exhibit 35 to the Wong Decl. (CSI-CLI-06023246)	Entire Document	<i>Cisco</i>
Exhibit 36 to the Wong Decl. (CSI-CLI-00843944)	Entire Document	<i>Cisco</i>

Cisco’s Motions *in Limine* Nos. 1–5 are non-dispositive motions. In the context of non-dispositive motions, the materials may be sealed so long as the party seeking sealing makes a “particularized showing” under the “good cause” standard of Federal Rule of Civil Procedure 26(c). *Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (quoting *Foltz v. State Farm Mutual Auto Insurance Co.*, 331 F.3d 1122, 1138 (9th Cir. 2003)). In addition, Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law” (*i.e.*, that the document is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.*

For the portions of the foregoing exhibits that Arista seeks to file under seal, Arista has established good cause to seal those materials through the Declaration of David J. Rosen in Support of Arista’s Administrative Motion to File Under Seal, which is being filed

1 contemporaneously herewith. Also filed concurrently with this Motion are redacted and
2 highlighted versions of the above-referenced documents indicating the specific portions of the
3 documents that Arista is submitting under seal.

4 To the extent that Arista has not sought to seal Arista-related material, Arista takes no
5 position on whether the Cisco-designated portions of any of the foregoing documents should be
6 filed under seal. For those portions of the materials submitted under seal, Arista files this
7 administrative motion only to afford Cisco the opportunity to defend its confidentiality
8 designations as provided by Civil Local Rule 79-5(e).

9 Dated: October 7, 2016

KEKER & VAN NEST LLP

11 By: s/ David J. Rosen
12 DAVID J. ROSEN

13 Attorneys for Defendant
14 ARISTA NETWORKS, INC.